



04645.0896

**Signature**

This is a petition to correct the filing date in application Serial No. 10/037,133. A copy of the filing receipt is attached as Exhibit A and indicates a filing date of January 7, 2002. However, the present patent application was deposited in the U.S. mail under Express Mailing Label Number EF380079362US on December 21, 2001, as evidenced by the attached Utility Patent Application Transmittal (Exhibit B). Ms.

-2-

Jennifer Nichols mailed the application as attested to by her signature at the bottom of the transmittal form.

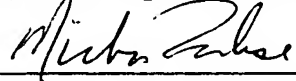
The application was mailed along with a post card, a copy of which is attached as Exhibit C. The post card references Express Mail Mailing Label EF380079362US. The post card was date stamped by the U.S. Patent Office as application Serial No. 10/037,133, filed January 7, 2002.

An inquiry was made at the U.S. Post Office and determined that Item: EF38 0079 362US was delivered to the U.S. Patent Office in Washington, DC 20231 on December 27, 2001, at 07:21, as evidenced by attached Exhibit D.

At the very least, the Applicant petitions that the filing date for U.S. application Serial No. 10/037,133 be set at December 27, 2001. However, a more accurate filing date is December 21, 2001

Since the error in the filing date occurred as a result of an error on the part of the U.S. Patent Office and not the Applicants, no fee is believed to be due for this petition. However, if a fee is due, please charge deposit account 08-2442.

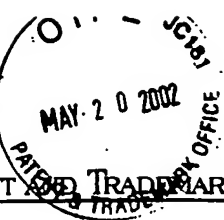
Respectfully submitted,

By   
\_\_\_\_\_  
Michael F. Scalise  
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May 8, 2002



UNITED STATES PATENT AND TRADEMARK OFFICE



COPY OF PAPERS  
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EXHIBIT A

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/037,133	04/07/2002	1745	1412	04645.0896	10	48	5

CONFIRMATION NO. 5648

Michael F. Scalise  
Hodgson Russ LLP  
Suite 2000  
One M&T Plaza  
Buffalo, NY 14203-2391

RECEIVED  
FEB 08 2002

**FILING RECEIPT**



\*OC000000007415746\*

Date Mailed: 02/04/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

Esther S. Takeuchi, East Amherst, NY;  
Marcus Palazzo, North Tonawanda, NY;

**Domestic Priority data as claimed by applicant**

THIS APPLN CLAIMS BENEFIT OF 60/259,068 12/28/2000

**Foreign Applications**

If Required, Foreign Filing License Granted 02/04/2002

Projected Publication Date: 07/04/2002

Non-Publication Request: No

Early Publication Request: No

**Title**

Silver vanadium oxide having low internal resistance and method of manufacture

**Preliminary Class**

429

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**LICENSE FOR FOREIGN FILING UNDER**  
**Title 35, United States Code, Section 184**  
**Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

EXHIBIT B

# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.63(b))

Attorney Docket No. 04645.0896  
First Inventor Takeuchi, et al.  
Title Silver Vanadium Oxide Having Low...  
Express Mail Label No. EF380079362US

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## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents

ADDRESS TO:

Assistant Commissioner for Patents  
Box Patent Application  
Washington, D.C. 20231

1. ☒ Fee Transmittal Form  
(Submit an original, and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.  
See CFR 1.27.
3. ☒ Specification [Total Pages / 33 /]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R&D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 USC 113) [Total Sheets / 10 /]
5. ☒ Oath or Declaration [Total Pages / 3 /]
  - a. ☒ Newly executed (original or copy)
  - b. ☐ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 18 completed)
  - i. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☐ Computer Readable Form (CRF)
  - b. ☐ Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ paper
  - c. ☐ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9. ☒ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney  
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure ☒ Copies of IDS  
Statement (IDS)/PTO-1449 Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122  
(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent
17. ☒ Other: Checks

18. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of the prior application No: /

Prior application information: Examiner: Group/Art Unit:

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label ☒ Mailing Label No. or Mailing Label No. or ☐ Correspondence address below

NAME

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Registration No. (Attorney/Agent)

34,920

Signature

Michael F. Scalise

Date

December 21, 2001

"Express Mail" Mailing Label Number EF380079362US

Date of Deposit December 21, 2001

I hereby Certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Jennifer Nichols  
Name

Signature



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EXHIBIT C

Express Mail Label EF380079362US

The Patent and Trademark Office date stamp hereon  
will acknowledge receipt of:

Fee Transmittal (1 sheet)  
Utility Patent Transmittal (1 page)  
33 pages of Specification  
10 pages of Drawings  
Declaration (3 pages)  
Assignment and cover page (4 pages)  
Information Disclosure Statement (4 pages)  
PTO/SB/08A (1 page)  
8 References

Checks for \$1,412 and \$40

In re application of: Takeuchi, et al.

Filed: December 21, 2001

For: Silver Vanadium Oxide Having Low Internal Resistance And Method Of Manufacture

Wilson Greatbatch, Ltd. 04645.0896 (MFS/bh) 15 N

J1036 U.S. PTO

10/037133



01/07/02

12/01/01

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EXHIBIT D

## Track/Confirm - Intranet Item Inquiry - Domestic

Item: EF38 0079 362U S

Destination	ZIP Code: 200	City:	State:
Origin	ZIP Code:	City:	State:

Class: Express Mail - PO to Addressee

Event	Date	Time	Location
DELIVERED	12/27/2001	07:31	WASHINGTON DC 20231
	Firm Name: PATENT OFFICE 20231		
	Recipient : 'C YOKO'		
	<a href="#">Request Delivery Record</a>		
	<a href="#">View Delivery Signature and Address</a>		
DELIVERED	12/27/2001	07:21	WASHINGTON DC 20231
	Firm Name: PATENT OFFICE 20231		
	Recipient : 'C YOKO'		
	<a href="#">Request Delivery Record</a>		
	<a href="#">View Delivery Signature and Address</a>		
ARRIVAL AT UNIT	12/27/2001	03:32	20096

## Enter Request Type and Item Number:

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